



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,097	07/06/2001	Satoshi Tsuda	0229-0652P	2705

2292 7590 12/18/2002

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

MAKI, STEVEN D

ART UNIT	PAPER NUMBER
----------	--------------

1733

3

DATE MAILED: 12/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/899,097

Applicant(s)

TSUDA, SATOSHI

Examiner

Steven D. Maki

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Art Unit: 1733

- 1) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 2) Claims 3, 5, and 7-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 3, the description relating to "waved" is ambiguous. In claim 3 line 2, it is suggested to change "co nvex" to --concave--.

In claim 5 line 6, there is no antecedent basis for "said concave curve". In claim 5 line 3, it is suggested to change "convex curves" to --concave curves--.

In claim 7, "continuously" should be --continuously--.

- 3) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- 4) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 5) **Claims 1, 2, 4, 6 and 11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Europe '550 (EP 1010550).**

Although Europe '550 and this application have the same inventor, Europe '550 is available as prior art under 35 USC 102(b) because Europe '550 was published (6-21-00) more than one year prior to the filing date (7-6-01) of this application. Europe '550 is available as prior art under 35 USC 102(b) even though applicant's earliest prior document was filed (7-6-00) less than a year after the publication date (6-21-00) of Europe '550 because "the 1 year ban of 35 U.S.C. 102(b) dates from the U.S. filing date and not from the foreign filing date" MPEP 201.13, page 200-79, August 2001. Also see 35 USC 119.

6) Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Europe '550 (EP 1010550) in view of Japan '505 (JP 2-182505) or Rohde (US 4765384).

As to claim 12, it would have been obvious to one of ordinary skill in the art to round the edge between the tread surface and the sidewall of the blocks of the tire of Europe '550 in view of (a) Japan '505's teaching to round edges of blocks using a small radius of 1.5-2.5 mm so that stiffness and ground pressure of the block are uniform or (b) Rhode's teaching to round edges of blocks of a truck tire.

7) Claims 1, 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hale (US 2236903) in view of Great Britain '338 (GB 460338) and Europe '550 (EP 1010550).

Hale discloses a pneumatic tire having a tread comprising ribs separated by circumferential grooves wherein both faces of each rib is formed with serrations. Hale teaches that the serrations assist in the skid preventing and traction qualities of the tire.

Hale does not teach using a waved form comprising alternating convex and concave curves instead of the serrations. However, it would have been obvious to use a waved form comprising alternating convex and concave curves instead of the serrations at each tread edge of Hale since Great Britain '338, directed to improving non-skid properties (skid preventing and traction qualities) expressly suggests using a waved form comprising alternating convex and concave curves (figure 6) as an alternative to serrations (figure 1). Furthermore, it would have been obvious to gradually diminish the curvature of the convex curves of the waved form at the tread edge towards the radially inside from the tread edge since Europe '550 suggests gradually diminishing the curvature of convex curves at a tread edge towards the radially inside from the tread edge to reduce the absolute value of the camber thrust to improve wandering performance.

Allowable Subject Matter

8) **Claims 5 and 7-10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.**

Claims 11 and 12 would be allowable if made dependent on claim 5.

The prior art of record fails to disclose, teach or suggest further modifying Hale (US 2236903) using Europe '550 (EP 1010550) so as to satisfy the additional limitations of claim 5; it being emphasized that Europe '550 contains no teaching to gradually diminish the concave curve towards the radially inside from the tread edge.

9) The remaining references are cited of interest.

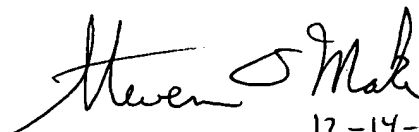
Art Unit: 1733

10) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is 703-308-2068. The examiner can normally be reached on Mon. - Fri. 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on (703) 308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Steven D. Maki
December 14, 2002


12-14-02
STEVEN D. MAKI
PRIMARY EXAMINER
~~GROUP 1300~~
AU 1733